

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 17, 2006

CALL TO PODIUM:

**Greg Ossont, Director,
Planning and Code
Administration**

RESPONSIBLE STAFF:

**Greg Ossont, Director, Planning
and Code Administration
Patricia Patula, Planner**

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
<input checked="" type="checkbox"/>	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	8-3-2005
	8-10-2005
Hearing Date	9-6-2005
Record Held Open	1-6-2006
Policy Discussion	1-17-2006

TITLE: T-366 Sign Ordinance

Policy Discussion

T-366 – An Ordinance to Repeal and Reenact With Amendments, Chapter 24 (Zoning Ordinance) of the Gaithersburg City Code, Article IX, Entitled, "Signs," so as to Generally Amend Regulations Pertaining to Sign Height, Total Square Footage and Type Permitted and Free Standing Sign Requirements

SUPPORTING BACKGROUND:

After four work sessions (beginning in 2000) on this proposed text amendment, T-366 was revised to reflect the input from the public meetings and reorganized for clarity.

The Planning Commission held a public hearing on text amendment T-366 on May 18 and July 6, 2005. After revisions to the draft, the Commission made its recommendation for approval to the City Council on August 3, 2005, with the condition that a user-friendly version be published at the time of the adoption of the ordinance.

A public hearing was held on this text amendment by the City Council on September 6, 2005, and the record closed on January 6, 2006. During that time, no additional input from the public was received. Additional exhibits to the record include transcripts, minutes, and a revised draft with several minor adjustments to the text for clarification (see Exhibit 32).

The complete Index of Memoranda is attached and the exhibits typed in bold are included in the package. Should you desire an additional exhibit not in the package, please contact staff.

Staff requests direction from the City Council regarding this text amendment.

DESIRED OUTCOME:

Provide guidance to staff.

Public Hearings
Planning Commission, May 18, 2005 & July 6, 2005
Mayor and City Council, September 6, 2005

INDEX OF MEMORANDA

T-366

1. Application for Text Amendment to Zoning Ordinance submitted 04-15-05 by staff member, Patricia Patula
2. Proposed Ordinance
3. Summary of Changes from 1990 (current) Sign Ordinance, Draft February 25, 2005
4. Sign Committee Members
5. Guiding Principles, prepared by the Sign Committee
6. Letter, dated April 20, 2005, requesting advertisement of the Planning Commission Public Hearing in the April 27 and May 4, 2005, issues of the *Gaithersburg Gazette*
7. Notice of the Public Hearing as sent April 25, 2005, to required parties
8. E-mail and suggestions for text from Lenny Levy dated 5/14/2005

Exhibits Received after the May 16, 2005, Portion of the Planning Commission Public Hearing

9. "User Friendly" version of Sign Ordinance
10. Minutes of Planning Commission May 18, 2005 meeting
11. Certified legal ad
12. Cover Sheet for Planning Commission Meeting of June 15, 2005, Announcing continuation of public hearing and deadline for written comments
13. Letter dated June 13, 2005 to the Planning Commission from Candace Curie, for the Gaithersburg-Germantown Chamber of Commerce
14. Comments received from the public and Commission with staff's response, prepared July 1, 2005
- 14A. Cover Sheet/Staff comments for July 6, 2005 Planning Commission meeting

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- 14B. Minutes of July 6, 2005 Planning Commission meeting
- 14C. Cover Sheet/Staff comments for August 3, 2005 Planning Commission meeting
- 15. Summary of remaining items to be discussed at the August 3, 2005 Planning Commission meeting prepared July 30, 2005
- 16. Revised "User Friendly" version draft sign ordinance with changes tracked prepared July 30, 2005
- 17. Transcript of Planning Commission Public Hearing of May 18, 2005 continued on July 6, 2005
- 18. Minutes of August 3, 2005 Planning Commission meeting
- 19. Minutes of June 15, 2005 Planning Commission meeting
- 20. Final version of "User Friendly" version of draft sign ordinance with Planning Commission's recommendations shown in tracking format, completed August 12, 1005

Exhibits for Mayor and City Council Public Hearing

- 21. CPC to Mayor and City Council with Planning Commission's recommendations
- 22. Draft Sign Ordinance, formal version incorporating Planning Commission's recommendations
- 23. Draft Sign Ordinance, "User Friendly" version incorporating Planning Commission's recommendations
- 24. Letter, dated August 2, 2005, requesting advertisement of the Mayor and City Council Public Hearing in the August 3, 2005 and August 10, 2005 issues of the Gaithersburg Gazette
- 25. Notice of the Public Hearing as sent August 8th, 2005, to required parties
- 26. Letter from Gaithersburg-Germantown Chamber of Commerce, Inc. dated August 16, 2005 to Director Greg Ossont
- 27. Memorandum to Council from Director Ossont dated August 26, 2005, highlighting changes for public hearing
- 28. Cover sheet for Mayor and Council public hearing on September 6, 2005

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- 29. Power Point Presentation for Council public hearing
- 30. Minutes of City Council public hearing of September 6, 2005**
- 31. Certified legal ad for Council hearing
- 32. Memo to Council from Director Ossont dated December 13, 2005 updating the Council on the status of the ordinance and requesting close of record. Attached is the draft ordinance with minor changes.**
- 33. Minutes of Council meeting of December 19, 2006 announcing close of record**
- 34. Transcript of Mayor and Council meeting of September 6, 2005**

school that is actively addressing the concerns of all of its students, including those few who might have gang issues. Gaithersburg High School is a good school and the faculty and students are making a good school even better by improving in many areas – academics, athletics, extracurricular activity involvement and more.

I am proud to be a Gaithersburg High School graduate. I know the truth about Gaithersburg High and I know that it was not reported accurately in *The Washington Post*. I believe the *Post* owes its readers an explanation as to why it decided to put such a poorly researched story in such a prominent place in the paper. In my opinion you owe us an explanation for not highlighting the successes of the school, and that explanation should be given the same prominence on the front page of a Sunday edition.

What you have done in your attempt to belittle Gaithersburg High School has in fact belittled the *Washington Post* and the entire field of journalism.

Sidney A. Katz, Mayor
City of Gaithersburg

3. Responded to the day laborer issue raised by Mr. Demos Chrissos earlier in the meeting. He stated that his comment quoted in the paper was in the context of public safety. He stated that the City is concern with the laborers and those that hire the individuals. He stated that the City is working with the county who will pay for the majority of the expenses to operate the center. The City will continue to work with citizens, businesses, and the clergy to address all issues.

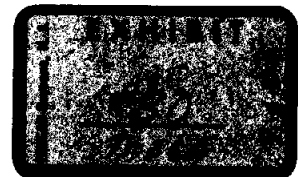
Mayor Katz stated that the City's involvement would make the center a safer, controlled, and supervised place. Council Vice President Marraffa expressed concern with workman's compensation for individuals hurt on the jobs and the City's involvement.

X. PUBLIC HEARINGS

1. **T-366 - An Ordinance to Repeal and Reenact With Amendments, Chapter 24 (Zoning Ordinance) of the Gaithersburg City Code, Article IX, Entitled, "Signs," so as to Generally Amend Regulations Pertaining to Sign Height, Total Square Footage and Type Permitted and Free Standing Sign Requirements**

Planning and Code Administration Director Ossont stated that the above public hearing was advertised in the *Gaithersburg Gazette* on August 3 and 10, 2005. He stated that the text amendment would replace the existing sign ordinance. Staff began revising the sign ordinance in January 2000 and has conducted several public hearings and work sessions during the past five years. He added that the Planning Commission conducted a public hearing on May 18, 2005 and recommended approval of T-366 with a condition that a condensed and illustrative version of the ordinance be created upon adoption. A brief PowerPoint presentation was given to the Mayor and City Council showing some of the significant changes. Mr. Ossont stated that many of the proposed changes clarify existing language, define terms not previously defined and consolidate sections appropriately to present a clear and concise document. Other significant changes to the ordinance include size and height limitation decrease from 15 to 10 feet, new free standing sign requirements as well as requirements for non-conforming signs and other types of signs not previously defined or permitted by the ordinance.

Council Vice President Marraffa expressed concern with the address of a business not being a part of the sign. He also asked staff to address and clarify paper signs used by certain businesses and the size limitations of campaign signs.



Speakers from the public were:

1. *Robert Jepson, representing the Gaithersburg-Germantown Chamber of Commerce, Vice Chair of Legislative Affairs*, recognized the efforts put into the ordinance. He stated that the Chamber did distribute the ordinance to a number of businesses encouraging them to give their input. Following review of the ordinance, the Chamber believes that all existing signs should be grandfathered or exempted from any changes until such time that the signs are materially modified or replaced.
2. *Demos Chrissos, 343 Tschiffely Square Road*, questioned the City's limitation of campaign signs and a possible first amendment situation.

There were no other speakers at the hearing. Staff recommended that the City Council hold the record open indefinitely on T-366.

Motion was made by Council Member Keller, seconded by Council Member Alster, that the City Council record on the above public hearing, be held open indefinitely.

Vote: 5-0

2. **An Ordinance to Amend the Charter of the City Code Section 19, Subparagraph 19, to Authorize the Mayor and City Council to Participate in Real Property Tax Relief Measures as Allowed Under Applicable Local, State and Federal Laws and in Accordance Therewith, and to Authorize the City Manager to, by Resolution, Establish and Implement Appropriate Regulations Relating to the Administration of Such Measures**

Assistant City Manager Tomasello stated the proposed amendment was introduced to the City Council on August 1, 2005, and advertised for public hearing in the *Gaithersburg Gazette* on August 3, 2005. He mentioned that at the Mayor and City Council work session held June 13, 2005, staff made a presentation describing the Maryland Homeowner's Property Tax Credit Program. The Program provides property tax credits to eligible low-to-moderate income households. He mentioned that Montgomery County recently approved a property tax credit program with higher limits. He stated that they are different programs, so households would be able to participate in both. Finance staff has begun collecting account data for residents who qualify for the current credit. He stated that the City will initiate a public information campaign to bring as many eligible tax payers as possible to participate in the program. He further explained that the entire program will be administered by the State and the county and City will provide supplemental programs.

There were no speakers at the hearing.

Motion was made by Council Member Edens, seconded by Council Member Marraffa, that the City Council record on the above, be held open until Wednesday, September 21, 2005 at 5 p.m.

Vote: 5-0

XI. ORDINANCES AND RESOLUTIONS

1. Resolution for the Redevelopment of Market Square Plaza

This resolution authorized the City Manager to negotiate and execute a contract for Architectural and Engineering Design Services for the redevelopment of Market Square Plaza (former ice rink area) with Slater Associates, Inc., 5560 Sterrett Place, Suite 302, Columbia, Maryland 21044, in

MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager *DH*

FROM: Greg Ossont, Director
Planning and Code Administration *GO*

DATE: December 13, 2005

SUBJECT: Sign Ordinance

As you are aware, a public hearing for T-366, Sign Ordinance, was held on September 6, 2005. The Mayor and City Council's record was held open indefinitely and the Planning Commission made a recommendation to the Mayor and City Council on the text amendment on August 3, 2005. No other written comments have been received.

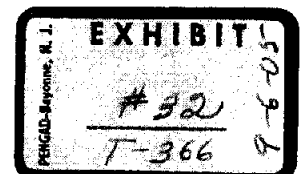
During the recent election campaign, staff determined that the required setback for campaign signs was impossible for many property owners to comply with as their yards were within the required 15 foot setback from the roadway. Accordingly, staff recommends the elimination of the required setback in Section 24-211(e)(2) and it is reflected in the attachment.

In addition, staff has continued to review the document since the Planning Commission recommendation and has identified a few additional points of clarification that do not substantially change the intent or purpose of the subsections, but are recommended to be amended as well. These modifications are also reflected in the attached document.

Staff recommends the Mayor and City Council announce the closing of the record during the regular meeting on December 19, 2005. Staff suggests closing the record on January 6, 2005 and anticipates policy discussion and final action during the regular meeting on January 17, 2005.

I hope this information is helpful. If you have any questions, please contact me at 301-258-6330 or gossont@gaithersburgmd.gov

Attachments



PURPOSE AND FINDINGS

SEC. 24-208

Article IX is intended to promote and protect the public health, safety and general welfare by regulating existing and proposed signs and other street graphics within the city. In particular, this ordinance is intended to enhance the unique character of the city and ensure that signs:

- (a) Promote pedestrian and vehicular safety.
- (b) Enhance the unique character of the city and are compatible with their surroundings.
- (c) Represent thematically the business or the community as a whole.
- (d) Are legible under the circumstances in which they are seen.
- (e) Promote the natural beauty of the city in a manner that will protect property values, and create a more attractive economic and business climate.
- (f) Maintain and enhance the aesthetic environment by reducing visual clutter without unduly restricting the city's ability to attract sources of economic development and growth.
- (g) Preserve public property and rights-of-way and its authorized users and franchisees.
- (h) Minimize the possible adverse effect of signs on nearby public and private property.

DEFINITIONS, SIGNS

SEC. 24-209

~~Abandoned sign. A sign is considered abandoned if the business or other use advertised on that sign is no longer licensed, no longer has a Certificate of Occupancy, or is no longer doing business at the location to which the sign pertains.~~

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A-Frame sign. A portable sign used for pedestrian advertising on a sidewalk or similar location, consisting of one (1) or two (2) sign faces attached at the top with hinges or similar device allowing for easy transport. Also referred to as sidewalk or sandwich signs.

Ancillary sign. A sign subordinate to the main tenant sign and part of the overall signage for the structure.

Awning. A shelter supported entirely from the exterior wall or window frame of a building.

Balloon sign. Any sign of fabric type or other material, inflated by air to a point of semi-rigidity for the purpose of floating above the ground or a building.

Banner. A sign of lightweight fabric or flexible plastic that is mounted with no enclosing framework.

Blade sign. A non-electric sign hanging beneath a canopy, attached to the face of a building or post.

Box sign. A sign in the form of an enclosed box or cabinet where the entire face of the sign is lighted from fixtures located within the structure.

Business identification sign. Any sign identifying a specific business, either retail, wholesale, industrial, or a profession, and is located upon the subject property.

Canopy. A roof structure extending from the front of a building over a sidewalk or walkway which may be wholly or partially supported by columns, poles, or braces extending from the ground.

Canopy sign. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Changeable letter sign. A sign on which message copy is changed manually or electronically, through the utilization of attachable letters, numbers, symbols, and other similar characters of changeable pictorial panels. A changeable letter sign shall be counted as a sign face.

Channel letters. Individual letters usually lighted from an interior light source and attached to a building separately.

Conforming sign. A sign which is in compliance with all the provisions of the Sign Ordinance, Article IX, of the City Code..

Construction sign. A single sign giving the name or names of building owners, architects, engineers, and/or lending institutions and principal contractors

responsible for construction on the site where the sign is placed, together with other appropriate information included thereon.

Decorative pole banner. A decorative or ornamental banner attached to a lighting or pole fixture.

Directional sign. Any on-site or off-site sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

Directory. A listing of names and/or uses, or locations of more than one (1) person, business, activity, or professional or general office conducted within a building, group of buildings, or shopping center. Such a directory contains no other identifying/advertising message than that listed above.

Double-face sign. A sign which has two (2) or more display surfaces backed against each other, or against the same background, one face of which is designed to be seen from one direction and the other from the other direction.

Electric sign. Any sign containing electric wiring, but not including signs illuminated by an exterior light source.

Electronic sign. Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered by electrical, electronic or computerized process, on a fixed display screen composed of electrically illuminated segments.

Externally illuminated sign. Any sign illuminated by shielded electric lights which are not part of the sign.

Façade. The face of a building from the ground to the roofline

Face, sign face. The part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose. The frame or structural members may be considered as part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design.

Flashing sign. An illuminated sign that is not kept constant in intensity or display of light or color when the sign is illuminated.

Freestanding sign. Any sign that is not attached to or painted on a building, but that is affixed to a supporting structure that is attached to the ground by a concrete foundation or footing. Such signs include monuments, pole, and pylon signs.

Gooseneck lights. Lights used to light a sign, canopy or awning. Typically these lights extend from the building wall above a sign and are used to illuminate the sign.

Grade (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk.

Graphic sign. Any mural or pictorial scene or graphic design painted on the side of a wall or building or painted on a sign board affixed to a wall.

Halo-lighted sign. A sign using individual letters in which the light is emitted from behind the letters creating a halo effect around the sign.

Illegal sign. A sign which was not in compliance with the applicable chapter when it was erected, installed, altered, or displayed.

Illuminated sign. A sign that is illuminated by electric or other devices, mainly for clear visibility at night.

- (a) **Direct (or internal) illumination:** a light source which is enclosed within the sign and viewed through a translucent panel. Luminous tubing (neon lights) is one kind of direct illumination.
- (b) **Indirect (or external) illumination:** a light source which is placed outside of or away from the sign in a manner to illuminate the sign.
- (c) **Luminous tubing:** a light source formed by glass tubes filled with gas, known as neon lights.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "hours of operation," "delivery entrance," "fire exit," and other similar directives.

Internally illuminated sign. Any sign having translucent characters, letters, designs, logos or outlines illuminated by electric lights located within the sign, or luminous tubes designed for that purpose.

Marquee sign. A sign designed to have manually changeable copy. Marquee signs may be a principal identification sign, a freestanding sign, or a wall sign.

Monument sign. Any sign in which the bottom of the sign is usually flush with the ground, constructed of a wooden, stone, masonry, or stucco mounted on a freestanding solid structure supported solely by its own ground-mounted base or supported by two column-like supports.

Multi-tenant center. Any shopping center, office center or business center in which two or more occupancies abut each other on the site or share common parking facilities or driveways, or are otherwise related.

Neon sign. A sign containing glass tube lighting in which a gas and phosphorous are used in combination to create a colored light.

Non-conforming sign. A sign lawfully erected and maintained prior to the adoption of this ordinance that does not conform with the requirements of this ordinance.

Off-site sign. A sign which directs attention to a business, service, institution or product offered not located on the same lot where the sign is displayed.

On-site sign. A sign which directs attention to a business, service, or product offered on the same lot where the sign is displayed.

Painted wall sign. A sign applied to a building wall with paint, dye or other similar materials, and which has no sign structure.

Parapet. A false front or wall extension above the roofline of a principal building.

Permanent sign. Any sign which is not classified as a temporary sign. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Pole sign. Any sign erected upon a pole (or poles) that is wholly independent of any building and/or other structure for support.

Portable sign. A sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure.

Principal building. The primary structure, excluding ancillary, accessory or attached structures or devices.

Principal sign. The primary sign on the building or property.

Projecting sign. A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Roof line. Considered the apparent uppermost edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette or façade.

Sign. Any device designated to inform or attract the attention of persons (See also section 24-1.)

Special event sign. Any temporary sign which solely advertises a function or event of a non-profit, commercial or industrial organization, civic event or meeting, or other similar activity of a temporary nature.

Street, private. Any road or street that is not publicly owned and maintained which is used for access by the occupants of the development, their guests, and the general public.

Street, public. A public roadway constructed within the boundaries of an officially deeded and accepted public right of way, dedicated for general public use and maintained by a public agency.

Structural alteration. Any change of sign face, color, size, shape, illumination, position, location, or supporting structure or enclosure of any sign.

Temporary sign. Any sign, banner, or advertising display intended to be displayed for a limited time period.

Traffic control sign. Any sign found in the *Manual of Uniform Traffic Control Devices*, as may be amended from time to time, or any sign erected for traffic control purposes by a governmental agency or authority.

View shed. The area within view from a defined observation point.

Window sign. A permanent and/or temporary sign inside or outside of, and attached to, or painted on the surface of windows.

GENERAL PROVISIONS

SEC. 24-210

Except as otherwise specifically provided in Article IX, the following provisions apply in all zones:

(a) Area computation for signs.

(1) The area of a sign shall include the entire face of the sign and any wall work incidental to its decoration, and shall include the space between letters, figures and designs.

(2) All sides of a sign which are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two (2) sides thereof are back-to-back or separated by an angle of forty-five (45) degrees or less. In the latter case, if the two (2) sides are not equal size, the larger side shall be measured.

(3) Addresses for any building or tenant may be excluded from the allowable signage for that building or tenant so long as the address letters or numbers do not exceed six (6) inches in height.

(b) Flags.

Flags identifying other than a governmental unit shall bear only a symbol and identifying name, shall be affixed only to flagpoles and shall not exceed four (4) feet by six (6) feet in size.

(c) Height.

(1) ~~Unless otherwise specified by a subsection of this chapter, signs not attached to a building, except for street banners as defined in subsection 24-211(k), shall not exceed ten (10) feet in height. The height shall be measured from the finished grade of the property at the base of the sign.~~

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(2) The planning commission may approve a sign exceeding the height prescribed herein pursuant to subsection 24-213A(f) upon a finding that an unnecessary hardship will result due to topographic or other physical conditions relating to the property.

(d) Home based businesses.

(1) A home based business, as defined by this code, may display one (1) non-illuminated sign or symbol at the premises, affixed to the building only.

(2) The sign shall not exceed an area of 72 square inches with maximum dimensions of six (6) by twelve (12) inches and cannot be erected to protrude more than two (2) inches from the building. A separate permit for such signage is required, pursuant to subsection 24-213A(a) of this code.

(e) Lighting.

The light source intended to illuminate a sign shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

(f) Non-English language signs.

Each application for a non-English language sign shall contain an English translation or description of the wording of the sign and business activity.

(g) Placement or location.

(1) No sign shall obstruct any door, fire escape, stairway or any opening intended to provide ingress or egress to or from any building or structure.

(2) The lowest point of any sign which extends over an area intended for pedestrian use shall not be less than eight (8) feet above the finished grade below it. The lowest point of any sign which extends over an area intended for vehicular use shall be not less than fourteen (14) feet above the finished grade below it.

(3) Unless otherwise indicated in this section of article IX, signs shall be permitted within any yard and/or building restriction line setback area.

(4) Any sign projecting from the wall of any commercial or industrial building shall also comply with the provisions of subsection 24-212 (o) of this article unless such building is sited on or within two (2) feet of the front property line.

(h) Public right of way.

(1) Except as to noncommercial signs specified in subsection three (3) of this section or otherwise provided in this article, no sign shall be placed in any city, county or state right of way except signs erected by a public agency and identification signs for a community development or subdivision project defined in subsection 24-211(g) of this article on a residential primary or secondary street within or abutting the community; provided, that such identification sign shall not be located so as to constitute a hazard to the safety of motorists and pedestrians, shall be subject to the approval of the city manager and erected pursuant to a revocable sign permit, the issuance of which is conditioned upon removal of the sign at no cost to the city at such time as the city manager may direct.

(2) No signs, except signs erected or authorized to be erected by a public agency, shall be attached to utility poles, public traffic control signs, or placed in median strips.

(3) No sign shall be placed in any area designated as a proposed right of way on the most recent approved and adopted

master plan of the city, except signs issued pursuant to a permit, the duration of which shall expire prior to the initiation of construction within said right of way, including signs located on industrially or commercially improved property, real estate signs, directional signs, or signs advertising a civic, religious or charitable event; provided, however, the city planning commission shall, in the case of permanent signs, first review said sign as to its compatibility and traffic safety and make recommendations to the city manager prior to a revocable permit being issued by the city manager. ~~Permits issued hereby are to be conditioned upon removal of the sign at no cost to the city at such time as the city manager may direct.~~

Deleted: ¶

¶

(4)

PROHIBITED SIGNS AND SIGN DEVICES

SEC. 24-210A

(a) Attaching signs to other objects.

Signs erected by nailing, fastening or affixing the sign in any manner to any tree, rock, post, curb, utility pole, natural feature, official street sign or marker, traffic control sign or device, or other structure except as may be set forth herein, are prohibited.

(b) Changeable Letters (non-electronic).

Non-electronic hand-changeable letter signs are prohibited, except on buildings or properties of civic, religious and quasi-public organizations, movie theatres and other entertainment venues, and gas station pricing signs, which comply with subsection 24-212 (e).

(c) Flashing signs.

A flashing or blinking sign, or a sign with intermittent or varying intensity of illumination of a sign is prohibited, whether deliberate or as a consequence of a defect in the sign or the illumination source, except for a sign indicating the time or date or temperature changes, a combination thereof, or a traditional barber pole used for barber shops.

(d) Illegal advertising.

Signs advertising activities, services, or products that are illegal under federal, state, or local laws and regulations are prohibited. This section shall not prohibit signs promoting the legalization of any matter presently prohibited by federal, state, or local law.

(e) Internally lit box signs.

Internally lit box signs are not permitted unless the background is opaque where only the letters or logos are illuminated, with the exception being signs under five (5) square feet. Avoiding white background will reduce glare and improve readability. However, the color white may be used for the letters and logo.. Any existing internally illuminated box sign that has a white background may remain until it is replaced, at which time it must conform to this article.

(f) Moving signs and devices.

Moving signs and signs with moving parts are prohibited. Also prohibited are pennants, flashing lights and strings of light bulbs, as well as hot air balloons, streamers, and similar air-propelled devices which advertise a product or service. Pinwheels or similar circus or

carnival type attractions are prohibited, provided that this prohibition shall not apply to the Montgomery County Fairgrounds.

(g) Obscene signs.

No sign shall contain statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

(h) Paper signs.

Paper signs which cover the front of a building are prohibited.

(i) Portable or movable signs.

Portable or movable signs which are not firmly attached to a structure are prohibited, except as provided in subsection 24-212 (a). Portable and movable signs shall include signs carried, waved or otherwise displayed by persons either in public right of ways or visible from public right of ways for the purpose of drawing attention for commercial sales.

(j) Off-site signs.

A sign advertising a building, product, business, service or institution which is not located on the same lot as the sign is prohibited, except as provided in subsection 24-212 (n).

(k) Traffic Hazards

No sign shall be permitted which by reason of its shape, color or wording may be confused with an official traffic sign, signal or device, or which may mislead or confuse pedestrians or vehicle operators, or obscure from view any traffic or street sign or signal or which may obstruct the view in any direction at the intersection of a street with another street or with a driveway.

(l) Vehicular.

A sign placed on any motor vehicle, trailer or other movable device, defined herein as a vehicle sign, that reasonably indicates intent to make principal use of such vehicle or device as a sign is prohibited.

SIGNS PERMITTED IN ALL ZONES

SEC. 24-211

Subject to the other conditions of Article IX and as noted in this section, the following signs shall be permitted in any zone:

(a) Banners.

(1) No banner in excess of forty-eight (48) square feet shall be hung from the wall or roof of any building. Banners shall be composed of fabric material, shall be safely secured to a wall or roof by metal couplings or fittings and shall be temporary in nature.

(2) No more than one banner may be attached to a single building or location at one time. A banner may be attached to each such building or location a maximum of twice per calendar year, with each such display to be limited to a maximum duration of thirty (30) days.

(3) All banners are prohibited in residential areas, except on the buildings or property of civic, religious, and quasi-public organizations, provided that where permitted, civic, religious and quasi-public organizations must comply with subsection 24-211(c).

(4) This section will not apply to decorative pole banners attached to lighting or pole fixtures as described in subsection 24-212 (f) nor to street banners described in subsection 24-211(k).

(b) Child care or elderly care signs.

(1) Uses accommodating eight (8) or fewer individuals

(i) Signs for child care or elderly care uses, accommodating not more than eight (8) individuals located within single-family attached or detached dwellings, shall not exceed one (1) non-illuminated sign or symbol at the premises, affixed to the building only.

(ii) The sign shall not exceed an area of 72 square inches with maximum dimensions of six (6) by twelve (12) inches and cannot be erected to protrude more than two (2) inches from the building. A separate permit for such signage is required, pursuant to subsection 24-213A of this code.

(2) Uses accommodating nine (9) or more individuals

(i) Such uses accommodating nine (9) or more individuals shall have a sign no greater than twenty-five (25) square feet, unless approved by the authorizing body, whether the Planning Commission or the Board of Appeals.

(ii) A separate permit for such signage is required, pursuant to subsection 24-213A of this code.

(c) Civic, religious, and quasi-public signs.

(1) Name, directional and informational signs and emblems of service clubs, places of worship, civic organizations and quasi-public uses shall be permitted on private property if set back in accordance with the minimum yard requirements of the zone in which the sign is located.

(2) Each sign shall not exceed six (6) square feet in area. If freestanding, the height of such sign shall not exceed eight (8) feet. In the event that there is a need for more than one sign at one location, all such signs must be consolidated and confined within a single frame.

(3) Subsection 24-210A(k) shall not apply to such signs.

(d) Construction signs.

(1) Signs shall be permitted for all building contractors, leasing agents, professional firms and all lending institutions involved in the construction, enlargement, reconstruction or repair of a building or structure.

(2) Each such sign shall not exceed forty eight (48) square feet in area with not more than a total of one hundred fifty (150) square feet of such signage permitted on one site.

(3) If freestanding, the height of each such sign shall not exceed ten (10) feet.

(4) Each such sign shall be temporary in construction and nature and be removed prior to the issuance of a final use and occupancy permit.

(e) Election campaign and ballot questions signs.

(1) Signs announcing candidates seeking public political office, or authorized ballot or referendum questions, and other data pertinent thereto shall be permitted up to a total area of nine (9) square feet for each premises in a residential zone or containing a single family dwelling, and sixteen (16) square feet in a commercial or industrial zone. The sign must not exceed eight (8) feet from grade to top.

~~(2) These signs shall be confined within private property and shall not be less than fifteen (15) feet from the nearest edge of the pavement of any street or road (except in cases of signs in store windows).~~

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~~(2) These signs may be displayed thirty (30) days prior to and seven (7) days after the election for which intended.~~

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~~(3) In cases where a final election follows within seventy-five (75) days of a primary election, those candidates who won in the primary election or those running unopposed may continue to display~~

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their signs during the interim period and up to seven (7) days after the final election.

(4) In commercial zones, permits shall be required for signs located at campaign headquarters only.

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(5) No illumination of political signs shall be permitted.

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(f) Integral part of structure.

(1) Names of buildings, dates of erection, monumental citations, commemorative tablets and the like are permitted when carved into stone, concrete or similar material or are made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

(g) Permanent identification signs.

(1) On-site signs of a permanent nature, setting forth the name of a church, community, development, center or other like projects, shall be permitted. Such signs shall be deemed to include community bulletin boards.

(2) Such signs may be freestanding or may be attached to a building wall or a decorative wall; provided, however, where such sign is a part of a decorative wall, only the message area shall be calculated toward the total signage permitted.

(3) Any such sign shall not impair site distance to safe egress from the property and shall not exceed twenty-four (24) square feet in area; provided, however, that the planning commission may approve such an identification sign in excess of twenty-four (24) square feet in area upon a finding that the proposed sign, by nature of its purpose and location, and the nature of the project it identifies justifies such larger area, and that such larger sign will not affect the health, safety and welfare of the general public, nor be a hazard to traffic, vehicular or pedestrian.

(4) All permanent identification signs shall be compatible in appearance and design with the surrounding landscape or buildings to which they may be affixed, and shall only be lighted from an exterior light source which has a disconnect switch in close proximity to the sign.

(h) Private traffic direction signs.

(1) Signs directing traffic movement onto or within private property are permitted and are exempt from the restriction contained in subsection 24-210A(c).

(2) Such a sign shall not exceed eight (8) square feet in area and shall not exceed ten (10) feet in height, unless otherwise specifically authorized within this subsection (h).

(3) Such signs directing traffic movement onto or within an office park with multiple buildings totaling 10,000 square feet of floor area or more shall not exceed fifteen (15) square feet in area each.

(4) Such signs directing traffic movement onto or within a shopping center totaling one million (1,000,000) square feet of floor area or more shall not exceed thirty (30) square feet each in area, and may include the name of the center, and name of and direction to, primary anchor tenants of greater than seventy-five thousand (75,000) square feet.

(5) Such signs directing traffic movement within an office complex may include the name of, and direction to, primary anchor tenants of greater than twenty-five thousand (25,000) square feet occupying at least one-half (1/2) of the area of a building.

(6) Directional signs painted on paved areas are exempt from the maximum area stated above.

(7) Directional signs with either a number or letter identification and/or special symbol or logo and attached to light poles, which inform and direct the public to locations within private parking lots of retail centers or office parks, shall not exceed thirty (30) square feet each in area and shall not exceed ten (10) feet in height.

(8) Private traffic directional signs shall not contain the name of a business or business product, unless otherwise specifically authorized within this subsection (h), or unless the business is remotely located or a unique access situation is involved, and the planning commission has approved such sign based upon such unique circumstances.

(9) In addition, one or more off-site signs not exceeding a total of twenty (20) square feet on any one lot giving direction to a church, school, residential community, community theater, or recreational or community facility within one thousand (1,000) feet of the lot or parcel containing the sign may be erected on any residentially zoned lot not improved with a single-family dwelling.

(10) The planning commission may approve one off-site directional sign with a message area not exceeding twenty four (24) square feet which gives direction to a residential community located within two thousand five hundred (2,500) feet of the lot or parcel containing the sign. The message area of the sign may be located on a wall not exceeding five (5) feet in height above ground level. Any area not covered by the sign text, lettering, symbol or logo, shall not be considered as part of the message area of the sign.

(i) Public signs.

Signs of a noncommercial nature and in the public interest such as directional signs, regulatory signs, warning signs and informational signs may be erected by, or on the order of, a public officer in the performance of his duty.

(j) Real estate signs.

(1) Tract of two (2) acres or more.

- a. One temporary real estate sign including but not limited to sales, leasing, development and financing information not exceeding forty-eight (48) square feet in area and located on the property to which it relates shall be allowed for each tract two (2) acres or more in area.
- b. If the tract has frontage on more than one improved public street, one additional sign not exceeding forty-eight (48) square feet in area shall be allowed on the property to be placed facing the additional frontage.
- c. Under no circumstances shall more than two (2) such signs be permitted on the property.
- d. Any such sign shall be removed within seven (7) days of the completion of the sale or leasing of the building or property.

(2) Tract less than two (2) acres.

- a. One temporary real estate sign not exceeding twelve (12) square feet in area and located on the property to which it relates shall be allowed for each tract less than two (2) acres in area.
- b. For individual lots, one temporary real estate sign, not to exceed six (6) square feet, shall be allowed and must be placed on the property to which it relates.
- c. Any such sign shall be removed within seven (7) days of the completion of the sale or leasing of the property.

(3) Real estate directional signs.

- a. Temporary real estate directional signs not exceeding three (3) square feet in area and four (4) in number showing a directional arrow and placed back of the front property line shall be permitted on each approach route to a house which is for sale and open for inspection.
- b. The height of such signs shall not exceed three (3) feet.
- c. Such directional signs announcing such an open house may be placed in the public right of way on weekends between the hours of noon Saturday and sundown on the following Monday; provided that where, in the opinion of a police officer, signs so placed constitute a hazard to traffic, the police officer or other authorized personnel of the city may remove

such signs. Subsection 24-210A(k) shall not apply to such signs.

- d. Such signs may be located in a public right-of-way but shall not impede nor be a danger to public safety. Such signs shall not be placed in median strips.
- e. The removal of these signs shall be the responsibility of the owner thereof, which shall be presumed to be the company or person identified on the sign. The city may seek recovery of costs for removal of such signs and any court of competent jurisdiction may award reasonable costs to the city.

(4) Residential subdivision identification sign

- a. One temporary residential subdivision identification sign for each development of ten (10) lots or more, not exceeding sixty (60) square feet in area and located on the property, shall be allowed and shall be removed within thirty (30) days of the sale or lease of the last unit in the project.
- b. One temporary identification sign announcing the opening of any commercial, industrial or multi-family residential project, not exceeding sixty (60) square feet in area and located on the property, shall be allowed and shall be removed within thirty (30) days of the sale or lease of the last unit in the project.

(k) Street banners.

Street banners advertising a public entertainment or event, if specifically approved by the city manager and in locations designated by the city manager, may be displayed fourteen (14) days prior to, and during, and seven (7) days after the public entertainment or event.

These regulations shall not apply to banners covered by the provisions of subsection 24-211(a) and subsection 24-212(f) of this Code.

(l) Temporary signs.

(1) Temporary signs, excluding banners composed of fabric materials regulated pursuant to subsection 24-211(a), may be used to announce any special event or function not exceeding thirty (30) consecutive days for each event to be sponsored by a public, charitable, civic, educational or religious organization.

- a. Such sign shall be located on the lot or parcel on which the event or function is to take place, and must be set back no less than ten (10) feet from the property line and placed so as not to impair safe sight distance.

- b. Such a sign shall be erected no more than fourteen (14) days prior to the event or function and must be removed within three (3) days after the end of the event or function.
- c. The sign shall not exceed ten (10) feet in height nor forty-eight (48) square feet in area.

(2) All other temporary signs, excluding banners composed of fabric materials regulated pursuant to subsection 24-211 (a), announcing any special event or function not exceeding twice per calendar year for all such events and functions and not exceeding thirty (30) consecutive days on each occasion, including those sponsored by any commercial, industrial organization, may be located on the property where the event is to take place.

- a. Such a sign shall be erected no more than fourteen (14) days prior to the event and must be removed within three (3) days after the event. Section 24-212 shall not apply to such a sign.
- b. The sign shall not exceed ten (10) feet in height nor forty-eight (48) square feet in area.

(3) Nothing in subsections 24-211(l)(1) and (2) shall be construed to prohibit off-site signs of a temporary nature which announce one-day special events. Such signs shall not exceed twenty-four (24) square feet in area and shall not be more than ten (10) feet high. Further, such signs shall comply with the location, erection and removal requirements of subsections 24-211(l)(1) and (2) above.

COMMERCIAL AND INDUSTRIAL SIGNS

SEC. 24-212

The following regulations shall apply in the C-1, C-2, C-3, C-B, C-P, E-1, E-2, HM, R-O, I-1, I-3, I-4, and MXD Zones. Guidelines adopted for the CD and CBD Zones, each as may be amended by resolution, are incorporated into this Article IX and are binding pursuant to Chapter 24, Article IX of the City Code. If a conflict exists between those guidelines and the provisions of Chapter 24, Article IX, the guidelines shall control.

(a) A-frame signs.

One A-frame sign is permitted for each business and must comply with the following regulations:

- (1) Must not exceed three (3) feet in width and four (4) feet in height.
- (2) Must be located within twenty (20) feet of the entrance.
- (3) Must be removed daily at the close of business and during periods of inclement weather.
- (4) Must not impede the flow of pedestrians or vehicles, nor cause any safety problem related thereto.
- (5) Must have a permit which may be revoked at any time for violations of this article.
- (6) Must be of sturdy, heavy duty material.
- (7) The total area of any A-frame sign shall be counted toward the total allowable signage for any one tenant or business.
- (8) Unless specifically permitted by the city manager or his designee, an A-frame sign shall not be placed in the public right of way.

(b) Automobile dealership signs.

(1) A freestanding sign that was erected on automobile dealership property prior to the effective date of the ordinance enacting this section, and which does not conform to this article because it exceeds the number of signs allowed under subsection 24-212(m), is not prohibited provided it does not exceed fifteen (15) feet in height from grade at the base of the sign.

(2) Any freestanding sign, that was erected prior to September 17, 1990 and does not conform to this article because it exceeds fifteen (15) feet in height, is permitted to remain, provided it is modified to not exceed sixteen (16) feet in height; and further provided, however, one such freestanding sign may be permitted to remain without modification, provided such sign does not exceed

twenty-five (25) feet in height. Furthermore, one pre-existing freestanding sign which exceeds twenty-five (25) feet in height may be permitted to remain, subject to the following conditions and requirements:

(i) Such sign may be repaired or maintained, but may not be increased in height or area of fascia (including any sign box component); and

(ii) Such sign may not be removed or relocated, and should such sign be destroyed, or damaged in excess of fifty percent (50%) of its value at the time of damage by any cause, it shall be forthwith removed; and

(iii) The allocation of signage for such sign toward allowable signage for the property upon which it is located shall be 1.8 times the square footage traditionally calculated for such signage.

(3) Additional freestanding signs may be permitted in excess of the number of signs allowed under subsection 24-212(m), provided said signs comply with subsection 24-212(b)(4).

(4) All applications for permits for signs to be erected, altered, refaced or moved on automobile dealership premises shall be submitted to the planning commission for review. The planning commission may review all existing signs, excluding lawful nonconforming signs permitted under subsections 24-212(b)(1) and (2), and proposed signs for compatibility with the surrounding area and for impact on the streetscape in terms of visual clutter,

(5) The planning commission may limit the height or area of the sign, may restrict the location of the sign on the premises, and may reduce the total sign area allowed under subsections 24-212(c) and (m).

(c) **Building signs.**

(1) The total area of signs on any building, except in the R-B, CBD, and CD Zones, shall not exceed ten (10) percent of the total square footage of the facades of a building holding the signs and shall have a maximum size of one hundred (100) square feet for any individual sign. Provided, however, that signage is limited to only those sides of a building that face a public street or have a public entrance, unless approved by the planning commission. This provision shall not apply to incidental signs as defined in section 24-209 of this code.

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(2) Signs for large, single retail businesses and large office buildings over 100,000 square feet of gross leaseable area may exceed one hundred (100) square feet with planning commission approval subject to subsection 24-213A (f) of this article.

(3) No window or part of a window shall be situated within the area, or surface area, as defined herein, of such sign, or its supporting structure, nor shall any such sign or part of such sign or its supporting structure cover any window or part of a window.

(4) No flat wall sign shall extend above the roofline or parapet wall.

(5) A flat wall sign may not be located on that portion of a commercial or industrial building or structure facing abutting residentially improved property which is not separated by an improved public road from the property upon which said signs are located, except where the planning commission finds that an unlighted sign is compatible with the design principles of the building and residential area per subsection 24-213A (f) of this article.

(6) Internally lighted illuminated channel letters, halo-lighted letters, externally illuminated letters, or flat wall signs are permitted on buildings more than twenty (20) feet from the edge of the street abutting the building. Buildings within twenty (20) feet of the street edge must only use non-internally illuminated signs.

(7) Ancillary signs are permitted in addition to the main tenant sign but may not exceed twelve (12) inches in letter height and must count toward the total allowable square footage for that tenant or building. Provided, however, that signage is limited to only those sides of a building that face a public street or have a public entrance.

(8) Signs for individual businesses within a shopping center or other commercial building must have letters that are proportional to the area or background on which the letters are placed and shall not exceed seventy-five (75) percent of that area. Multiple-tenant buildings, such as in shopping centers or office buildings, are allowed no more than one sign per tenant attached to each facade of the building that is permitted to have signage.

(9) Single-tenant buildings are permitted only one sign on each face of the building permitted to have signage.

(d) Canopy signs.

Signs on awnings or canopies shall not exceed 18 inches in letter height and shall contribute to the total allowable signage. Any lighting fixtures mounted under canopies shall be allowed for public safety only.

(e) Changeable letter signs (non-electronic).

(1) Signs with changeable letters, excluding theater marquees and service stations, shall be no greater than 30 square feet and shall comply with subsection 24-210A(b).

(2) Size and height requirements for theater marquees shall be determined by the planning commission. Service stations pricing signs are regulated by the State of Maryland.

(f) Decorative pole banners.

Decorative pole banners incorporating wording are permitted as part of the allowable signage ratio.

(g) Directional signs for other lots.

(1) One or more signs not exceeding a total of twenty (20) square feet on any one lot may be erected on any lot in these zones giving direction to a use or uses on one or more other lots within six hundred (600) feet of such a lot.

(2) The provisions of subsection 24-210A(k) shall not apply to such signs. This provision shall not be construed to permit a total sign area on such lot in excess of the maximum permitted by paragraph (c) of this section.

(h) Directories.

Directories listing multiple tenants of an office building, shopping center or other like building are permitted within the property and located away from the public street so as not to be visible by vehicular traffic. These signs do not count towards allowable signage.

(i) Electronic signs.

Electronic signs as defined in section 24-209 must be approved by the Planning Commission. In addition to all the other requirements of section 24-212, the following requirements shall apply:

(1) An electronic message display board must not have any distracting appearance of motion, flashing, blinking, or shimmering.

(2) The area occupied by the message on an electronic message display board may comprise no more than fifty (50) percent of the surface area of the allowable signage.

(3) No more than one (1) changeable sign, i.e., electronic message display board with two sides, is permitted per lot of record.

(4) An electronic message display board may not be located so that its message is visible from any controlled-access highway or ramp.

(5) An electronic message display board that is readily visible to drivers of vehicles on any public way must have characters of sufficient size and spacing to be easily discerned and must not constitute a safety hazard by distraction of drivers.

(j) Icon signs.

Signs using icons, including icons in the form of any person, animal, vegetable, fruit, product, or portion of any of the foregoing, may be allowed. Such sign shall require prior approval of the planning commission.

(k) Lots without buildings.

Signs for businesses conducted on a lot or on lots unimproved by a building shall be allowed a total area for all signs, not to exceed one-half (1/2) square foot for each linear foot of lot frontage, or one hundred (100) square feet overall, whichever is smaller. Signs on unimproved lots shall comply with all restriction on freestanding signs as described in this article.

(l) Marquee signs.

(1) Marquee signs shall be allowed and either

(a) May be placed on the vertical faces of a marquee which consists of a canopy or covering structure projecting from and attached to a building, or

(b) May project below the lower edge of a marquee not more than twenty-four (24) inches, but the bottom of a sign placed on a marquee shall be no less than ten (10) feet above the sidewalk or grade at any point.

(2) No part of the sign shall project above the top of the vertical faces of a marquee.

(3) Signs shall not be permitted anywhere on a marquee which projects over any public right-of-way.

(4) Movie theater marquee signs shall not be computed as part of the allowable signage.

(m) Monument signs.

(1) One freestanding monument sign facing each street frontage, not exceeding ten (10) feet in width and eight (8) feet in height from grade at the base of the sign is permitted for each lot or parcel containing a building, with a maximum total of two (2) signs exclusive of theater marquee or service station signs. If two such signs are allowed, the sign locations and orientation must not allow both signs to be read in the same view shed.

(2) Monument signs in excess of eighty (80) square feet and higher than eight (8) feet but not more than twelve (12) feet may be approved by the planning commission upon a finding that the proposed sign, by nature of its purpose and location, and the nature of the project it identifies, justifies such larger area and height, and that such larger sign will not affect the health, safety and welfare of the general public, nor be a hazard to vehicular or pedestrian traffic as per subsection 24-213 A (f).

(3) Channel letters and halo-style letters are permitted on monument signs. Neon lighting is not permitted on monument signs.

(4) Internally lit monument signs are permitted if only the letters or logos are illuminated. White backgrounds are to be avoided to reduce glare and improve readability. However, the color white may be used for letters and/or logos..

(5) Individual letter height shall not be less than seven (7) inches and not more than twelve (12) inches.

(6) The inclusion of electronic message boards as defined in subsection 24-209 must be approved by the Planning Commission.

(7) All monument sign permits shall include a base landscape design and lighting plan, if lighting is proposed.

(8) Monument signs for multi-tenant centers must state the name of the center and its main address or range of addresses.

(n) Off-site commercial signs.

A sign which advertises a building, product, business, service or institution not located on the same lot or parcel is permitted provided it meets all of the following:

(1) The sign does not exceed nine (9) square feet in size.

(2) The sign shall be single faced.

(3) The sign is located on land zoned in a non-residential zoning district.

(4) The sign shall not be located within thousand (1000) feet of any other property with a sign advertising the same building, product, business, service or institution.

(5) The sign is not illuminated.

(o) Projecting signs.

(1) No projecting sign or supporting structure shall project more than forty-two (42) inches from the wall of a commercial or industrial building.

(2) No projecting sign shall be within two (2) feet of the roadway.

(3) No projecting sign shall be less than ten (10) feet from the ground level at the base of the building.

(4) No part of the sign or supporting structure shall extend above the roofline or be located in such a manner as to cover any part of a window or obstruct light and vision of a window.

(p) R-B zone signs.

In the R-B Zone, the total sign area on any lot shall not exceed one (1) square foot for each linear foot of building facing a street and not more than one square foot of signage for each linear foot of building frontage shall be allowed to face a single side of a building in this zone.

(q) Roof signs.

(1) No sign shall be erected or constructed on the roof of any building including residentially occupied structures.

(2) For the purpose of this regulation, a roof shall be defined as the highest horizontal surface of any building, exclusive of any mechanical equipment structure on said roof.

(r) Service station signs.

(1) There shall be a maximum of five hundred square (500) feet of total signage permitted at a single service station, including signage related to brand name, pricing and any accessory uses.

(2) No more than one service station identification sign is permitted and said sign shall be no higher than six (6) feet in height and no greater than twenty-five (25) square feet in size. The sign must state the name of the service station and may have ancillary signage including, but not limited to, the inspection station number and additional services.

(3) One monument sign depicting the brand of gasoline and the state pricing signage is permitted.

- a. All such signs erected or structurally altered after the effective date of this article, shall be no higher than eight (8) feet and no wider than ten (10) feet;
- b. Each monument sign erected or structurally altered after the effective date of this article shall be no greater than eighty (80) square feet in size, including the state-required pricing signage.
- c. All such signs erected prior to the effective date of this ordinance which are greater than eight (8) feet in height are permitted to remain unless modified in any way that requires the issuance of a permit, except for a permit required for the repair or continued maintenance of the existing sign, in which case they shall be required to conform to this ordinance.
- d. Only one additional monument sign may be permitted, if the station is located on a through lot as defined in section 24-1.

(4) In addition to the maximum amount of signage permitted in subsection (r)(1) above, one promotional banner not exceeding forty-eight (48) square feet shall be permitted at all times and can only be attached to the pump canopy and its supports, a kiosk or a station house, and must not interfere with pedestrian walkways. Subsection 24-211(a) does not apply to these banners.

(5) Exterior merchandise displays are prohibited except that vending machines bearing product identification shall be permitted within an enclosed area or adjacent to a building wall and auto-related products or soft drinks only can be displayed in the vicinity of

the pump islands, station house or kiosk. Subsection 24-210A(j) does not apply to signs on such displays. Such displays must not impede vehicular or pedestrian traffic.

(s) Window signs.

(1) Signs shall be permitted inside ~~or outside~~ a window so as to be visible from the outside of the building without reference to the area limitation contained in subsection 24-212(c); provided, that the total area of each window sign shall not exceed fifty (50) percent of the total area of each individual window, and the total area and all window signs shall not exceed the maximum allowable permanent signage permitted by this article..

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(2) The provisions of this subsection shall also apply to messages painted on a window, such messages to be considered a "window sign" under this subsection.

(3) Signs advertising charitable organizations, events or activities shall not be included in the regulations contained in this section.

(4) No exterior window signs are permitted.

(5) Neon signs are covered by the provisions of subsection 24-212(t).

(6) A permit is not required for window signs which are placed on the inside of a window.

(t) Window neon signs.

(1) Neon signs located inside a window and visible from the exterior may be located within each individual business location and must be set back a minimum of six (6) inches from the window to prevent glare.

(2) Neon signs will be limited to a total area of five (5) square feet for each business location and will be included in the total allowable signage for the building and windows.

(3) All neon signs facing, abutting, or confronting residential uses must be turned off at the close of business.

(4) All neon signs shall be properly labeled and listed by licensed listing and labeling companies. All such signs must have a disconnect switch within sight of the sign.

(5) Neon outlining of windows is prohibited.

NONCONFORMING SIGNS

SEC. 24-213

- (a) Any sign lawfully displayed on the effective date of this ordinance enacting this section which does not conform to this article shall be altered to conform to said article or shall be removed not later than five (5) years after that effective date.
- (b) Monument signs that are fifteen (15) feet in height or less, or signs supported by two poles which are fifteen (15) feet in height or less, are legally non-conforming and can remain until structurally altered.
- (c) Any existing sign over fifteen (15) feet in height shall be altered to conform to said article or be removed no later than five (5) years after the effective date of this article.
- (d) Single pole signs between twelve (12) and fifteen (15) feet in height shall be brought into conformance with said article within the time period stated in subsection 24-213(a) above. If subject to structural alteration as defined in section 24-209 of this chapter, they must be brought into conformity with said article.
- (e) Any legally existing internally illuminated box sign that has a white background may remain until it is ~~replaced~~ structurally altered, at which time it must conform to this article.

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PERMITS

SEC. 24-213A

(a) Sign permit required.

(1) Except as specifically excluded from the provisions of this ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a sign permit. The city manager, or designee, may seek the advice of the planning commission in connection with any application for such a permit

(2) The duration of a sign permit corresponds to the type of sign allowed under section 24-211 of this Article.

(3) Where a sign will also require a building, electrical or other related permit under the provisions of this code, the city manager, or designee, shall have discretion with respect to the duration of such permits and is authorized to establish conditions for the issuance thereof.

(b) Sign permit application requirements.

Applications for sign permits shall be filed by the sign owner or his agent in the Planning and Code Administration upon forms furnished by said office. The application, which may be modified from time to time, shall describe and set forth such information as to fulfill the requirements of this article and shall generally include the type, size, location, and materials of the sign and its supporting structure; the name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located, and written consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign.

(c) Compliance with codes.

All signs shall comply with relevant requirements of the city building code, the Maryland High Voltage Line Act, and if they contain electrical components, shall additionally comply with the requirements of the city electrical code.

(d) Denial or revocation of permits.

If the city manager or his designee shall deny any application for such a permit or revoke or suspend a permit, the applicant may seek administrative review of such denial by the board of appeals, pursuant to the provisions of article VII of this chapter, which shall have the power to order the issuance of the permit or sustain the decision of the city manager or his designee.

(e) Permits for temporary signs.

Permits issued for the erection and placement of temporary signs may, by resolution of the city council, be required to be secured by

cash deposit, letter of credit or bond to reimburse the city for the cost of removal of such signs where said signs are in violation of their permits, the provisions of this article or any lawful directive of the city manager with respect thereto. The provisions of this subsection (e) shall not apply to nonprofit organizations or community groups. The city manager or his designee is authorized to forfeit any deposit, letter of credit or bond upon written notice to the permittee or owner of the sign.

(f) Sign adjustments.

Where a literal application of this ordinance, due to special circumstances, would result in an unusual hardship in an individual case, an adjustment may be granted by the planning commission provided that such adjustment would not cause a detriment to the health, safety and welfare of the public, upon a finding that:

- (1) There exist exceptional conditions pertaining to the property where the sign is to be located, as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area; and
- (2) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated; and
- (3) Granting the adjustment would not confer on the applicant any significant privileges that are denied to others similarly situated; and
- (4) Neither the special circumstances nor unusual hardship is the result of action by the applicant; and
- (5) The requested adjustment is the minimum adjustment necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated; and
- (6) Granting of the adjustment would not violate more than one standard of this ordinance; and
- (7) Granting the adjustment would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

ENFORCEMENT AND PENALTIES

Sec. 24-213B

(a) Enforcement.

The city manager or his designee is hereby authorized and directed to enforce all of the provisions of this article.

(1) Upon presentation of proper credentials, the city manager or his duly authorized representative may enter, at reasonable times, any building, structure, property or premises in the city to perform any duty imposed upon the city manager by this article.

(2) The city manager is authorized to promulgate rules, regulations and interpretations with respect to the location, erection, maintenance and removal of signs which are not inconsistent with the provisions of this article.

(3) The city manager or his designee is authorized to order the removal of any sign not conforming to the provisions of this article or not complying with the provisions of any permit issued therefore.

(b) Sign maintenance.

(1) Sign owner or permittee shall maintain all signs and components in good appearance and free of defects, discoloration, and/or omissions..

(2) Signs may be declared unsafe by the city manager or his designee and subject to removal as provided in subsection (c) of this section if, due to structural or component defects, location or operation, they constitute a danger to the health, safety and welfare of the general public or occupants or visitors to the property upon which said sign is located.

(c) Sign abandonment.

Signs shall be deemed abandoned and subject to an order to remove the sign directed to the sign permittee or owner of the sign by the city manager or his designee if:

(1) Maintained on the property in excess of thirty (30) days after expiration or revocation of the sign permit for such sign; or

(2) Where the condition of the sign due to breakage, discoloration or lack of material components evidences abandonment; or

(3) The content or sign message of an on-site sign bears no relation to the business or activity conducted on-site unless specifically permitted by provisions of this code.

The city manager or his designee is authorized to remove said sign if there is noncompliance with an order to remove and the permittee or owner of the sign shall be liable to the city for all costs of removal.

(d) Responsibility for compliance.

Responsibility for compliance with the terms and provisions of this article shall be upon:

(1) The sign permittee, the sign owner or the lessee, the legal custodian or agents of either the sign owner or owner or lessee of any premises, structure or building containing a sign covered by the provisions of this article, or

(2) The person, company or entity which installs or erects a sign covered by the provisions of this article, and enforcement proceedings may be directed against such persons for noncompliance with the terms and provisions of this article or for noncompliance with orders issued by the city manager pertaining to this article.

(e) Sign removal for non-compliance.

The city manager or his designee is authorized to order the removal of any sign not conforming to the provisions of this article or not complying with the provisions of any permit issued therefore.

(f) Enforcement proceedings and penalties.

Any person, firm or entity that shall violate provisions of this article shall be subject to the remedies and penalties provided in section 24-184 of this chapter or as specified in other sections of this article.

(g) Appeals.

Any person referred to in subsection (d) above may appeal any order of the city manager or his designee issued pursuant to this article to the city board of appeals, pursuant to the provisions for administrative review contained in Article VII of this chapter.

TRANSCRIPT OF

PUBLIC HEARING

ON

T-366

**Ordinance to Repeal and Reenact With Amendments
Chapter 24 (Zoning Ordinance) of the Gaithersburg
City Code, Article IX, Entitled, "Signs." The Proposed
Amendments Affect Sign Height, Total Square
Footage and Sign Types Permitted Freestanding Sign
Requirements, and Window Sign Coverage**

BEFORE THE

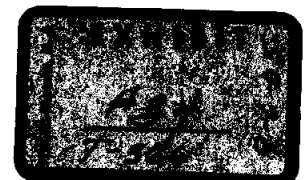
CITY OF GAITHERSBURG

MAYOR AND CITY COUNCIL

on

September 6, 2005

Transcribed by
Doris R. Stokes



PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Marraffa
Council Member Alster
Council Member Edens
Council Member Keller
Council Member Schlichting

CITY ATTORNEY

Cathy G. Borten

STAFF

Planning and Code Administration Director Ossont

SPEAKERS FROM THE PUBLIC

Robert Jepson, representing the Gaithersburg-Germantown Chamber of Commerce,
Vice Chair of Legislative Affairs

Demos Chrissos, 343 Tschiffely Square Road

Katz The next item that we have is public hearings and we have two this evening and Mr. Ossont will explain the first one.

Ossont This is T-366, text amendment to repeal in reenact with amendments to Chapter 24 of the Gaithersburg City Code, Article IX, entitled "signs" so as to generally amend regulations pertaining to sign height, total square footage and type permitted and free standing sign right requirements. The ordinance was advertised on August 3 and August 10. Earlier this year staff began compiling all of the input and suggestions from the public process in the form of a text amendment. Due to the numbers of changes, amendments and additions to the ordinance, staff quickly recognized that the best way to present the ordinance in a clear and concise manner was to essentially create a new document. For reference, this is exhibit number 23 in your packages. The proposed text amendment was advertised and presented to the Planning Commission on May 18, 2005. That public hearing was continued at the Planning Commission's July 6, 2005 meeting and the Planning Commission ultimately made a recommendation of approval to the Mayor and City Council on August 3, 2005. Significant changes to the ordinance includes size and height limitations, new free standing sign requirements as well as requirements for non-conforming signs and other types of signs not previously permitted by the ordinance. And if I could steer you attention to the monitors, we have a quick PowerPoint presentation. I will walk you through some of the significant changes. Under the proposed in findings section, findings have been included and the definition section has been significantly improved to include a number of clear definitions (inaudible). Under the general provisions heading, the most significant change reduces the maximum height of a freestanding sign from 15 feet to 10 feet as in the case of the current ordinance, the Planning Commission would maintain the ability to permit a taller sign if (inaudible) hardship through (inaudible) or physical restraints. Under the prohibited sign section, the Commission recommended prohibiting changeable letter signs with the exception of

civic, religious and quasi public organizations. These signs will be limited to 30 square feet. Theatre marquee and service station signs will also be excluded. The size of the marquee will be determined by the Planning Commission and the service station signs determined by state regulations. In additions, under the prohibited sign section is the prohibition of internally illuminated box signs. Exceptions include signs that have opaque backgrounds and only the letters or logos are illuminated in signs of five square feet. The Planning Commission also recommended the campaign and (inaudible) question signs displaced on commercial or industrial properties (inaudible) at 16 square feet as (inaudible) to the current 32 square feet. Setbacks for signs displaced on both residential and commercial properties will remain at 15 feet. Under the commercial and industrial sign section, A frames will be permitted under the proposed ordinance. Restrictions will include requiring a permit for all A frames, size restrictions requiring signs to be located within 20 feet of the business entrance and provisions limiting their display in the public right of way (inaudible) to the clement weather. The following two slides indicate changes to the building sign sections. Building sign is a sign that is actually attached to the face of the building. The current calculations to determine the maximum allowable signage for the building is based on doubling the linear feet of the façade. And in referring to the graphic, you have a 50 linear feet of façade; you double that to a total of 100 square feet permitted for the building. The proposed text amendment will calculate the total allowable signs by considering the entire façade. Basing the maximum allowable signage on 10 percent of that total façade. The ability to construct a monument sign in addition to the permissible sub calculation would be maintained as well. A monument sign for proposed height limit is eight feet and proposed width limit is ten feet. Electronics signs were discussed during the public process. The text amendment proposes that all electronic sign would require Planning Commission approval. The definition of an electronic sign will apply to all computerized LCD and plasma type displays. (inaudible) proposed amendment signs

placed inside windows of businesses would also be restricted in sign and how and when the neon is displayed. For example, the outlining of windows would be prohibited. And lastly the topic which generated the most discussion throughout the process was how to deal with nonconforming signs or signs that legally exist today would not be permitted tomorrow. The Planning Commission's recommendation to described in general terms under these five subsections: section (a) generally requires non-conforming signs to be modified or to be removed within five years; section (b) allows to pole signs and monument signs under 15 feet to remain until structurally altered; section (c) requires any sign over 15 feet to be modified or to be removed within five years; section (d) requires single pole signs between 12 and 15 feet to be modified within five years or when structurally altered, whichever is first; lastly section (e) allows illuminated box signs to remain until structurally altered. And that concludes the presentation. I will be happy to answer any questions.

Katz Thank you very much. Any questions of Mr. Ossont?

Marraffa I do have a question. If you look on page 6, under general provisions, where it talks about addresses may be excluded. I have mentioned earlier on a long time ago about signs that represented shopping centers. That it be mandatory that they put their address on their signs. If you go down, you are looking for an address for a store, you never could find it. I agree that it should not be counted, but that it should be mandatory on shopping center or some plaza that they have at least some address.

Ossont Sure. Page 6 in exhibit 22 which does address, addresses for buildings. The six inches is what is required by Code. So anything over that we would attribute towards the sign package. So we do have the code requirement, the first six inches so to speak which is required by code will not be counted towards the sign package. The other remaining would.

- Katz But he is saying though that he believes that on the sign itself, on the marquee sign, it would actually have the address of whatever.
- Ossont Depending on the business. Obviously for service stations, the monument sign, display the address and that is written in there with the other marquees. The addressing for the building under the general provisions is that, if it is a freestanding sign, if the address is on the freestanding sign, if it exceeds six inches that it would count toward the total allowable signage for that freestanding sign. But not for the building. Does that address your answer?
- Marraffa I'm not sure that covers it, but why don't we talk about it later. Because you go down Rockville Pike, all those malls and shopping centers, you can't tell what any of the addresses are. Not only is a nuisance to people it is also a safety issue properly with fire trucks what have you. Also, did I read on page 9, I'm I reading this correctly. It says paper signs which cover the front of a building are prohibited. Does that have to do with the beer and wine and liquor?
- Ossont The paper signs, this is consistent with the current ordinances. This repeated the exact same language in the current ordinance. If paper signs would cover a beer and wine store, sometimes grocery stores used to advertise sales, but yes.
- Marraffa I think that is a good thing. And then I have one other one which is on page 11 which has to do with campaign signs; the restriction of 15 foot. With our new building and housing up to the street and so forth, I don't think 15 foot is really realistic. Now we may not enforce it, but if we are not going to enforce it, I think that we need to address it because at a lot of houses, you can't but in 15 feet, especially a townhouse. Especially what are you going to do in Olde Towne? They won't be able to do 15 feet, so we need to address that.

Katz Any other questions? Thank you very much. This is a time that the Mayor and Council hear from anyone who would like to speak on this public hearing topic. We ask that you please keep your remarks to no more than three minutes. I will advise you when you have thirty seconds left of your three minutes so that you can begin to finish your statement. Please note that any additional testimony that you might have can be submitted to the City in written form and will be a part of the record just as your oral testimony. Please state your name and address for the record. Do we have anyone who would like to speak on this topic? Please.

Jepson Good evening I'm Robert Jepson. I have many addresses one is Adventist Healthcare which is my employer, but I am here representing the Gaithersburg-Germantown Chamber of Commerce. We want to acknowledge the work that has been put into the sign ordinance. It is very detailed and well thought through. We did as a matter force in reviewing this, send out communication to our member businesses, along with the link to the website and how to get more information and encourage them to respond with specific comments that may impact uniquely their individual businesses. So we did get the word out. In reviewing this, we had really one comment and that is that we believe that all existing signs should be grandfathered or exempted from any changes until such time as these signs are materially modified or replaced. And our thinking on that was that, obviously the signs that are up now did not exist in a vacuum. There were guidance, ordinances and regulations in place and we just think that signs are not going to exist for all time. Eventually the applicant would have it replaced and we think that is a more appropriate way to handle for some of these changes and that is basically it. Thank you.

Katz Anyone else? Demo please.

Chrissos I do want to thank you for taking the time on the other issue, but I do want to point something out. Under your illegal advertising signs, advertising activities, services, or products that are legal under federal, state and local laws and regulations are prohibited.

Katz What page are you on?

Chrissos I'm on page 8. This section shall no prohibit signs promoting the legalization of any matter present or prohibited by federal, state, or local law. It sounds like the laborer center might be something you would want to put a sign on. Just pointing that out. Also I just have on the election campaign and ballot question signs on page 11. That (e) (1) limiting the size of somebody's sign promoting political office, you might run into a first amendment situation with that. Somebody might challenge something like that. So I would look at that a little more carefully. I mean the size of the sign, if it is up close and next to the street, it can look a lot larger than if you have a setback on a house that is way far back. The same size sign can look like a little small thing. So what I am saying is that when you are now reducing the sign down to nine square feet for residential zone, you got to look at the different kind of front acreage that you have on a particular house. That could be a consideration. So I would look at that, but I would definitely keep the sign off the day laborer building.

Katz Thank you very much. Anyone else in the audience please?

Ossont We are recommending that the record be held open indefinitely. And Council Member Marraffa if you turn to page 21, I think I found your answer. A quick item if I could. For monument signs for multiple tenant centers must state the name of the center and its main address or arrange of addresses. I think that might satisfy your question.

Marraffa I see it right there. Thank you.

Katz Didn't take him look to write that for you?

Marraffa And he got a copy to me.

Katz It has been suggested that the City Council keep their record open indefinitely. We would announce two weeks or so before we are going to close to make sure that anyone can get their information in to us. What is the pleasure of the Council?

Keller I move that we hold our record open indefinitely on T-366 indefinitely.

Alster Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes.

Katz Opposed? That carries unanimously, 5-0. Thank you very much.

End of Public Hearing

T-366